IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

SANDY SMITH,
          Plaintiff,

          v.   **Civil Action No.**
                                              1:19-cv-1229 (MAD/DJS)

NATIONS RECOVERY CENTER, INC.,
          Defendant.

ORDER OF DISMISSAL BY REASON OF SETTLEMENT

The Court has been advised that this action has been settled, or is in the process of being settled. Accordingly, pursuant to N.D.N.Y. L.R. 68.2(a), it is hereby

ORDERED as follows:

(1)   The above-captioned case is hereby dismissed and discontinued in its entirety, without costs, and without prejudice to the right of any party to reopen this action within sixty (60) days of the date of this Order if the settlement is not consummated.

(2)   Any application to reopen this case must be filed within sixty (60) days of the date of this Order. An application to reopen filed after the expiration of that sixty day period, unless it is extended by the Court prior to its expiration, may be summarily denied solely on the basis of

untimeliness.

(3)   If the parties wish for the Court to retain ancillary jurisdiction for the purpose enforcing any settlement agreement, they must submit a request that the Court retain jurisdiction over enforcement of the agreement or submit the agreement to the Court for incorporation of its terms into an Order retaining jurisdiction within the above-referenced sixty (60) day period for reopening the matter.

(4)   The dismissal of the above-captioned action shall become with prejudice on the sixty-first day following the date of this Order, unless any party moves to reopen this case within sixty (60) days of the date of this Order upon a showing that the settlement was not consummated, or the Court extends the sixty (60) day period prior to its expiration.

(5)   The Clerk of the Court is respectfully directed to close this case and forward a copy of this Order to the parties pursuant to the Court's local rules.

Dated: January 3, 2020
   Albany, NY

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Mae A. D'Agostino
U.S. District Judge